



## **RULES OF PRACTICE - DISTRICT COURTS OF COLLIN COUNTY, TEXAS**

### **CIVIL AND FAMILY LAW CASES**

#### **Board of District Judges Collin County, Texas**

366th Judicial District, Judge Nathan E. White, Jr.  
Local Administrative Judge

199th Judicial District, Judge Robert T. Dry, Jr.  
219th Judicial District, Judge Curt B. Henderson

296th Judicial District, Judge Betty Caton  
380th Judicial District, Judge Charles Sandoval

### **Part One (Conduct and Decorum)**

#### **1.1 COUNSEL**

All counsel shall conduct themselves according to the standards of professionalism as described in the TEXAS LAWYERS CREED - A MANDATE FOR PROFESSIONALISM as adopted by the Supreme Court of Texas and the Court of Criminal Appeals, November 7, 1989.

#### **1.2 LITIGANTS AND SPECTATORS**

All litigants and spectators shall wear appropriate attire and conduct themselves in a dignified and courteous manner. Each Court may post Standards of Conduct in or near its chambers.

### **Part Two (Filing and Assignment of Cases)**

#### **2.1 FILING**

All civil cases shall be filed in rotating order. Forum shopping is prohibited.

#### **2.2 TEMPORARY ORDERS**

a. Except in emergencies when the District Clerk's Office is not open for business, no application for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a Court. If the Judge of the Court to which such

case is assigned is absent or is occupied with other matters, any District Judge may sit for the Judge of the Court to which the case has been assigned and shall make all writs and process returnable to that Court. Hearings on application for temporary injunctions, temporary receiverships and the like shall be set in the Court to which the case has been assigned.

b. Whenever immediate action of a Judge is required in an emergency when the Clerk's Office is not open for business, the case shall nevertheless at the earliest practicable time be docketed and assigned to a Court, and all writs and process shall be returnable to that Court. If the Judge of such Court is not available to hear the application for temporary relief at the time set, any District Judge may preside in the case.

## 2.3 EX PARTE ORDERS

a. All applications for ex parte orders shall be presented in accordance with Rule 2.2.

b. Counsel presenting any application for an ex parte order shall, before presenting any such application to any District Judge, determine whether there has been any previous application for the same or similar relief, or whether the relief sought will conflict with any previous order. Where there has been any previous application for the same or similar relief, or where the relief sought will conflict with any previous order, counsel shall so inform the Judge to whom the application for an ex parte order is presented. Depending on the circumstances, the Judge may decline to act and/or refer the entire case to the Judge of the appropriate Court.

## **Part Three (Continuances and Conflicts)**

### 3.1 MOTIONS FOR CONTINUANCE AND REQUESTS FOR POSTPONEMENT

a. An agreed continuance is not automatic and must be approved by the Court.

b. No continuance shall be granted unless counsel for all parties involved give consent, or unless upon motion timely filed with notice to all parties and after a hearing, or unless upon the Court's own motion.

c. No motion for continuance shall be considered as having been timely filed unless such filing is made and a hearing upon such motion is held before the date of the setting for which a continuance is requested, except on good cause shown.

### 3.2 CONFLICTING ENGAGEMENTS OF COUNSEL

a. Where counsel has more than one case set for trial in the District Courts in Collin County in the same week, the Court in which a case is first to be reached for trial shall have priority, except that if the cases are reached in more than one court for jury trial on Monday morning, the older case shall have priority. However, this Rule is subject to the discretion of the District Judges after conferring with each other.

b. Where counsel for either party has a conflicting trial setting in another county,

upon prior written notice to the Court and opposing counsel of such conflicting setting, the Court may hold the Collin County case until trial in the other county is completed.

c. Where counsel has a conflicting engagement in any Court of the United States or in the Supreme Court of Texas, the Court of Criminal Appeals or any Court of Appeals, upon prior written notice to the Court of such conflicting setting, the case in Collin County may be held until such engagement has been completed.

d. Nothing in this Rule shall imply that any Judge of a District Court in Collin County acquiesces in any other Court's claim of priority to the appearance of counsel.

#### **Part Four (General Provisions)**

##### **4.1 SUITS ON PROMISSORY NOTES**

In any case involving a suit on a promissory note, the original of the note sued on must be offered and admitted into evidence before any judgment thereon will be rendered, subject, however, to good cause shown and pursuant to Rule 1003, Texas Rules of Civil Evidence. The original of the promissory note shall thereafter remain in the custody of the Court.

##### **4.1 DISMISSAL FOR WANT OF PROSECUTION**

a. A case may be dismissed for want of prosecution for any of the following reasons:

(1) Failure of Plaintiff to request a setting or take other appropriate action after notice from the Clerk that the case has been pending without action for more than sixty (60) days.

(2) Failure of Plaintiff's counsel to appear for pretrial, docket conference, or other preliminary hearing, especially where there has been a previous failure to appear or where no amendment has been timely filed to meet exceptions previously sustained.

(3) Failure of Plaintiff to make an announcement of "ready" when a case is called for trial or hearing of any preliminary matters.

(4) For any other reasons provided for by these Rules, Texas Rules of Civil Procedure, or the general law.

b. Subject to other provisions of these Rules, the Clerk shall mail a written notice of such dismissal to all parties or their counsel of record.

##### **4.2 ORDERS, JUDGMENTS, AND DECREES**

Within thirty days after rendition or an announced settlement by counsel, counsel shall cause, unless ordered otherwise, all judgments, decisions, and orders of any kind to be reduced to writing approved as to form by opposing counsel, and as to contents, if an agreed order, judgment, or decree, and delivered with copies required to the Court Clerk for signature of the trial Judge. Upon failing to furnish the Court Clerk with such a

judgment or order finally disposing of case, the Court shall presume that counsel wishes the Clerk to present for Judge's signature an Order of Dismissal with prejudice with costs taxed at the Judge's discretion.

#### 4.3 WITHDRAWAL OF COUNSEL

No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an order granting leave to withdraw. When withdrawal is made at the request of or on agreement of client such motion shall be accompanied by the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client in the case. In the event the client has not consented a copy of such a filed motion shall by certified mail and regular first class mail be mailed to the client at his last known address, with a letter advising that the motion will be presented to the Court on or after a certain hour not less than ten (10) days after mailing the letter and that any objection to such withdrawal should be made to the Court in writing before such time, and a copy of such letter shall be attached to the motion. A copy of the motion shall be delivered or mailed to the opposing counsel. Unless allowed in the discretion of the court, no such motion shall be presented within thirty (30) days of the trial date or at such time as to require delay of the trial. After leave is granted, withdrawing attorney shall send the client a letter by regular mail notifying him of the withdrawal, stating any settings for trial or otherwise, and advising him to secure other counsel, and shall send a copy of such letter to opposing counsel and to the Clerk of the Court in which the case is pending.

#### 4.4 NOTICE BY THE CLERK

a. All parties desiring mail notice of any setting by the Court or receipt of any correspondence from the Clerk of the Court shall furnish the Court Clerk return envelopes properly addressed and stamped. Counsel desiring conformed copies shall conform same and only ask the clerk to affix Judge's facsimile stamp. Except as provided elsewhere in there rules, no conformed copies shall be made or furnished nor shall searches or research be performed for counsel or the public, free of charge. All mail received with postage due will be returned to sender.

b. Counsel seeking entry of an interlocutory judgment, judgment or order involving final disposition shall furnish the Court Clerk a stamped envelope addressed to all other parties or counsel. Immediately upon the signing of such an order the Clerk shall mail a conformed copy thereof to the party against whom the order was rendered. Failure to comply with the provisions of this rule shall not effect finality of the order or judgment.

c. The Court Clerk shall limit response to telephone requests for information to the following: (1) If answer has been filed; (2) Existence and setting of a case; (3) Return of service and date; and (4) Correct style of a case when correct case number is supplied. The Court Clerk shall not receive and relay personal messages and/or telephone calls, read pleadings to attorneys, their secretaries or the public.

#### 4.5 WITHDRAWAL OF FILE

a. No pleading or paper belonging to the files of the Court shall be taken from the office or custody of the Clerk except that any file of the Court may be taken to the Judge thereof by an attorney of record as shown by the file or by a party appearing pro se as shown by the file.

b. A receipt shall be given to the Clerk by the party withdrawing a Court's file.

#### 4.6 DISCOVERY MOTIONS

All motions for discovery sanctions, requests for rulings on discovery objections, and motions to compel discovery shall set out within the body of the motion, the interrogatory or request which is in dispute, and the objection and answer or response which is in dispute, so that all matters necessary for the Court's consideration are set out in one concise document.

### **Part Five (Family Law Matters)**

#### 5.1 HEARINGS ON TEMPORARY ORDERS

Each party at any hearing on temporary orders shall be limited to twenty (20) minutes total to present its evidence, cross-examine, rebut, and argue its case, unless the Judge affirmatively orders otherwise.

#### 5.2 SEMINAR FOR DIVORCING PARENTS

The Court may require the parties to a suit affecting the parent-child relationship to successfully complete the "For Kids' Sake" Seminar (972-519-8720).

### **Part Six (Miscellaneous Provisions)**

#### 6.1 AUTHORITY FOR RULES

These rules are adopted under and by virtue of Articles 200b and 209ef, Vernon's Texas Civil Statutes and Rule 3a, Texas Rules of Civil Procedure, and the constitutional statutory and inherent powers of the courts to regulate proceedings before them and to provide for the orderly and efficient dispatch of litigation.

#### 6.2 TITLE AND CITATION

These rules shall be known as the "Rules of Practice in the District Courts of Collin County, Texas", and particular rules may be cited thus: "District Court Rule 3.2"

#### 6.3 PARTIAL CIVIL INVALIDITY

In the event any of the foregoing rules or any part thereof is held to be invalid for any reason, such invalidity shall not affect the validity of the remaining rules and parts of rules, all of which have been separately considered and adopted.

#### 6.4 PUBLICATION OF AMENDMENTS AND RULES APPROVED FOR SPECIFIC COURTS

Local rules approved by the Supreme Court of Texas pursuant to Rule 3a, Texas Rules of Civil Procedure, which supplement or amend these rules may be published together with these rules.